

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

KENNETH WATFORD,)	
)	
Petitioner,)	
)	
v.)	No. 2:20-cv-00032-JPH-MJD
)	
B. LAMMER,)	
)	
Respondent.)	

**Order Denying Motion for Injunction and
Directing Further Proceedings**


The petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 in January 2020. Dkt. 1. The Court thereafter ordered the respondent to answer the allegations of the habeas petition. Dkt. 3. After receiving several extensions of time, the respondent filed a motion to dismiss the petitioner's habeas petition on November 5, 2020. Dkt. 29. The petitioner has now filed a "motion for injunction" requesting an injunction because the respondent "failed to answer and to show cause." Dkt. 30.

Although the petitioner asserts that the respondent failed to answer his habeas petition, the respondent answered the allegations in the habeas petition by filing a motion to dismiss. Additionally, the petitioner's request for injunctive relief does not survive the "threshold phase" applied to requests for preliminary injunctive relief because he has not presented any evidence to satisfy the three requirements for such relief. *See Valencia v. City of Springfield, Ill.*, 883 F.3d 959, 966 (7th Cir. 2018) (outlining three requisite showings a party must satisfy to receive injunctive relief). For these reasons, the petitioner's motion for injunction, dkt. [30], is **denied**.

The petitioner shall have **through December 21, 2020**, to respond to the motion to dismiss filed by the respondent. The **clerk is directed** to include a copy of the motion to dismiss, dkt. [29], with the petitioner's copy of this Order.

SO ORDERED.

Date: 11/20/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

KENNETH WATFORD
56252-037
TERRE HAUTE - FCI
TERRE HAUTE FEDERAL CORRECTIONAL INSTITUTION
Inmate Mail/Parcels
P.O. BOX 33
TERRE HAUTE, IN 47808

Brian L. Reitz
UNITED STATES ATTORNEY'S OFFICE (Indianapolis)
brian.reitz@usdoj.gov